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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of Kester, et al.

: Confirmation No. 6353

Serial No. 09/827,834

: Group Art Unit 1761

Filed April 6, 2001

: Examiner K.J. Stiller

For COMPOSITIONS FOR REDUCING HYPERCHOLESTEROLEMIA AND CONTROLLING OF POSTPRANDIAL BLOOD GLUCOSE AND INSULIN LEVELS

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

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Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

Copies of the cited documents are enclosed.

Additional information is attached.

Respectfully submitted,

By

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Registration No. 40,973
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Date: May 8, 2002

Customer No. 27752

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<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
8004M	09/813,251	Wong, et al.	March 20, 2001
8005M	09/813,254	Wong, et al.	March 20, 2001
8036M	09/828,016	Prosise, et al.	April 6, 2001
8037M	09/827,863	Prosise, et al.	April 6, 2001
8038M	09/828,018	Prosise, et al.	April 6, 2001
8039M	09/827,802	Prosise, et al.	April 6, 2001
8040M	09/828,015	Prosise, et al.	April 6, 2001
8041M	09/827,436	Prosise, et al.	April 6, 2001

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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SHEET 1 of 2

COMPLETE IF KNOWN

Application Number	09/827,834
Confirmation Number	6353
Filing Date	April 6, 2001
First Named Inventor	Kester, et al.
Group Art Unit	1761
Examiner Name	K. J. Stiller
Attorney Docket Number	8043M

U. S. PATENT DOCUMENTS

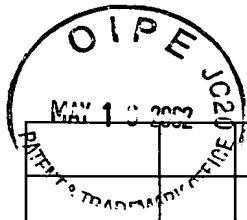
EXAMINER INITIALS*	Cite No. ¹	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		3,751,569	09/07/1973	Erickson	
		4,112,123	09/05/1978	Roberts	
		4,338,346	07/06/1982	Brand	
		4,399,163	08/16/1983	Brennan, et al.	
		4,423,029	12/27/1983	Rizzi	
		4,411,925	10/25/1983	Brennan, et al.	
		4,668,525	05/26/1987	Creswick	
		4,680,193	07/14/1987	Lunder, et al.	
		4,935,256	06/19/1990	Tsai	
		5,132,113	07/21/1992	Luca	
		5,242,697	09/07/1993	Luca	
		5,643,623	07/01/1997	Schmitz, et al.	
		5,834,044	11/10/1998	Schmitz, et al.	
		5,879,733	03/09/1999	Ekanayake, et al.	
		6,207,203	03/27/2001	Atkinson, et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Kind Code ⁵	Number ⁴ (if known)				
		WO 99/12030		03/11/1999	Foley, et al.		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
		Pennington, J., Bowes & Church's Food Values of Portions Commonly Used, 17th edition, 1998, Lippincott, Philadelphia).	
		Adam Drewnowski, <i>Trends in Food Science & Technology</i> , April, 1992	
		FDA Labeling Rules as contained in 21 CFR § 101.12	
		Troller, J.A. 1980, Influence of Water Activity on Microorganisms in Foods, <i>Food Technology</i> , 34:76-80	
		Lemon, P. (1998) Effects of exercise on dietary protein requirements, <i>International Journal of Sport Nutrition</i> , 8:426-447.	
		Crouse, J.R. et al., <i>Arch Intern Med</i> , 1999, 159:2070-2076 (Pike, R.L. and Brown, M.L., 1975, <i>Nutrition: An Integrated Approach</i> , 2nd ed., Wiley, New York).	
		Garrison, R. and Somer, E., <i>The Nutrition Desk Reference</i> , 3rd edition, 1995, Keats Publishing, New Cannan, CT).	
		The Surgeon General's Report on Nutrition and Health, 1988, U.S. Department of Health and Human Services Publication No. 88-50210, Washington, DC;	
		National Research Council, 1989, <i>Diet and Health: Implications for Reducing Chronic Disease Risk</i> , The Committee on Diet and Health, National Academy Press, Washington, DC).	
		Glueck, C. J., Jandacek, R. J., Hogg, E., Allen, C., Baehler, L., and Tewksbury, M. (1983) Sucrose polyester: substitution for dietary fats in hypocaloric diets in the treatment of familial hypercholesterolemia. <i>Am. J. Clin. Nutr.</i> 37, 347-354) and plant sterols and plant sterol esters	
		Mattson, F.H., Grundy, S.M., and Crouse, J.R. (1982) Optimizing the effect of plant sterols on cholesterol absorption in man. <i>Am. J. Clin. Nutr.</i> 35, 697-700; U.S. Patent 3,751,569, B. A. Erickson	
		Westrate, J.A., and Meijer, G. W. (1998) Plant sterol-enriched margarines and reduction of plasma total- and LDL-cholesterol concentrations in normocholesterol mic and mildly hypercholesterolemic subjects. <i>Eur. J. Clin. Nutr.</i> 52, 334-343).	



	Smith et al., "Overview of Salatrim, a Family of Low-Calorie Fats", J. Agric. Food Chem., 42:432-484 (1994)	
	Softly et al., "Composition of Representative Salatrim Fat Preparations", J. Agric. Food Chem., 42:461-467, (1994).	
	Code of Federal Regulations; 21 CFR § 101.9	
	Brown, L. et al., <i>Am J Clin Nutr</i> , 1999, 69:30-42).	
	Anderson, J.W. and Akanji, A.O., 1993, in CRC Handbook of Dietary Fiber in Human Nutrition, 2nd edition, G.A. Spiller, ed., CRC Press	
	Bruns, <i>Biochem. Pharmacol.</i> , 30, 325-333, (1981)	
	Food and Nutrition Board of the National Academy of Sciences (Food and Nutrition Board, 1989, <u>Recommended Dietary Allowances</u> , 10 ed., National Research Council, National Academy of Sciences, Washington, DC	TE
	Food and Nutrition Board, 1989; Gregory, J.F., 1996, " <i>Vitamins</i> ", in <u>Food Chemistry</u> , 3 rd ed., O.R. Fennema, ed.	
	<u>Introduction To Statistics</u> by Ronald E. Walpole, 3rd Edition (1982) New York, New York. pages 24 and 35 of Chapter 2 and page 258 of Chapter 9	
	Raising the Health and Energy Bar, Food Product Design, James C. Burg (Technical Ed.), July 1998	
	Dietray Fiber: A Healthy Discussion, Food Product Design, Ronald C. Deis, Ph.D., January 1999.	
	<u>Functional Foods: Figuring out the Facts</u> , Food Product Design, Andrea Platzman (Contributing Ed.), November 1999.	
	<u>Bar Talk</u> , Food Product Design, Lisa Kobs (Contributing Ed.), September 1999.	
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